

REMARKS

Claims 134-139, 142 and 153-162 were pending in the application. Claims 134, 139, 153-155, 158-161 have been amended. Claims 163-186 have been added. Therefore, claims 134-139, 142, 153-186 are now pending in this application.

Section 101 Rejections

The Examiner rejected all of the pending independent claims under 35 U.S.C. § 101 for allegedly failing to recite a “useful, concrete, and tangible result” under *State Street Bank*. Applicant notes that the Federal Circuit addressed this test in its recent decision in *In re Bilski*, and concluded that this inquiry is “insufficient to determine whether a claim is patent-eligible under § 101.” *See Bilski*, slip. op. at 20. **As such, Applicant submits that the Examiner has applied the incorrect test, and therefore respectfully requests reconsideration of the instant § 101 rejection.**

Applicant submits that the pending independent claims, as amended, are compliant with *Bilski*’s “machine or transformation” test. For example, claim 134 recites an “information handling system” having a “security program.” Additionally, Applicant notes that claim 134 has also been amended to recite “provid[ing] output from the information handling system” “upon the determination that the first set of data is actually from the second source.” While, as noted above, the “useful, concrete and tangible result” test is no longer controlling law relative to § 101 compliance, Applicant notes that claim 134 as amended recites a useful result and is not a mere abstraction, as “output [is provided] from the information handling system indicative of the determination.” Such output may be useful, for example, to provide an indication of web pages (e.g., to a requesting user or security provider) whose source may be misrepresented. Further note that added dependent claims 163-165 recite further limitations as to the provided output.

Applicant therefore respectfully requests removal of the § 101 rejections.

Section 102 Rejections

The Examiner rejected all independent claims under 35 U.S.C. § 102(e) based on Bjorksten et al. (U.S. Pub. No. 2003/0097451). Applicant disagrees with this rejection as set forth below.

Claim 134 refers to “a first set of data for a web page” and recites “analyz[ing] the first set of data to make a determination whether the first set of data indicates that it is from a first source coupled to the external network, but is actually from a second source coupled to the external network.”

Bjorksten is directed to “controlling access to stored personal data of a user” in which “[a] user indicates which portions of personal data of the user stored in a personal data repository are releasable to a second party.” Bjorksten (Abstract). “For example, a service profile may contain information that a user wants to share with only one party, such as a bank.” *Id.* at ¶ [0036]. As Bjorksten explains, “[t]he user defines what can be shared, with whom, when and according to what kind of contract.” *Id.* Bjorksten, however, does not teach or suggest “data for a webpage” that “indicates that it is from a first source coupled to the external network, but is actually from a second source coupled to the external network” as recited in claim 134. Moreover, Bjorksten certainly cannot be said to teach or suggest “wherein the determination is based, at least in part, on an age of the first set of data” as recited in claim 134. In fact, Bjorksten does not even include the word “age.” Accordingly, Bjorksten does not teach or suggest each and every limitation of claim 134, and therefore does not anticipate this claim. More basically, Bjorksten does not appear to be relevant to the subject matter of claim 134.

Applicant therefore submits that claim 134 and its dependent claims are patentably distinct over the cited reference, and are thus in condition for allowance. Independent claims 139, 153, 155, 158, 159, 160, and 161 (and their respective dependent claims) recite similar features, and thus are believed to be in condition for allowance as well.

CONCLUSION

Applicants submit the application is in condition for allowance, and an early notice to that effect is requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicant hereby petitions for such extension.

The Commissioner is authorized to charge any fees that may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 501505/6002-00701/DMM.

Respectfully submitted,

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